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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/823,545

Applicant(s)

BEDARD ET AL.

Examiner

HARESH N. PATEL

Art Unit

2454

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 July 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 and 27-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15, 18-24 and 27-32 is/are rejected.
- 7) ☒ Claim(s) 16 and 17 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-23, 26-32 are subject to examination. Claims 15 and 16 are allowable but objected to.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-14, 17-23, 26-32 are rejected under 35 U.S.C. 102(e) as being anticipated by Alda et al. 2005/0066317 (Hereinafter Alda).
4. Referring to claim 1, Alda discloses a method of delivering hybrid content to a user of a computer system (e.g., paragraphs 281-284), comprising: (a) instantiating a first functional module on the computer system (e.g., paragraphs 281-284); (b) commanding instantiation of a second functional module remote from the first functional module (e.g., paragraphs 281-284); (c) receiving dynamic content from the second functional module (e.g., paragraphs 281-284); (d) accessing a repository of static content (e.g., paragraphs 281-284); and (e) delivering hybrid

content on the basis of the static content in the repository and the dynamic content received from the second functional module (e.g., paragraphs 281-284).

5. Referring to claim 2, Alda discloses the claimed limitations as rejected above. Alda also discloses executing a computer-readable storage medium into the computer system, the first functional module being located on the computer-readable storage medium (e.g., paragraphs 281-284).

6. Referring to claim 3, Alda discloses the claimed limitations as rejected above. Alda also discloses wherein executing the computer-readable storage medium into the computer system automatically causes instantiation of the first functional module (e.g., paragraphs 281-284).

7. Referring to claim 4, Alda discloses the claimed limitations as rejected above. Alda also discloses wherein the repository is located on the computer-readable storage medium (e.g., paragraphs 281-284).

8. Referring to claim 5, Alda discloses the claimed limitations as rejected above. Alda also discloses wherein the second functional module is located on a server connected to the computer system via a network (e.g., paragraphs 267, 276, 277).

9. Referring to claim 6, Alda discloses the claimed limitations as rejected above. Alda also discloses wherein commanding instantiation of a second functional module remote from the first

functional module comprises accessing a third functional module remote from the first and second functional modules to determine an address and subsequently accessing the second functional module at the determined address (e.g., paragraphs 281-284).

10. Referring to claim 7, Alda discloses the claimed limitations as rejected above. Alda also discloses wherein the third functional module is located at a second address known to the first functional module (e.g., paragraphs 366-369).

11. Referring to claim 8, Alda discloses the claimed limitations as rejected above. Alda also discloses wherein delivering hybrid content comprises delivering selected portions of the static content in the repository on the basis of the dynamic content received from the second functional module (e.g., paragraphs 281-284).

12. Referring to claim 9, Alda discloses the claimed limitations as rejected above. Alda also discloses wherein delivering hybrid content further comprises delivering part of the dynamic content received from the second functional module (e.g., paragraphs 281-284).

13. Referring to claim 10, Alda discloses the claimed limitations as rejected above. Alda also discloses wherein instantiating, commanding, receiving, accessing and delivering are performed by the computer system (e.g., paragraphs 267, 276, 277).

14. Referring to claim 11, Alda discloses the claimed limitations as rejected above. Alda also discloses wherein receiving dynamic content from the second functional module comprises receiving dynamic content from a plurality of web sites or network location (e.g., paragraphs 267, 276, 277).

15. Referring to claim 12, Alda discloses the claimed limitations as rejected above. Alda also discloses instantiating a third functional module for determining whether the computer system meets hardware, software and connection requirements for delivering the hybrid content (e.g., paragraphs 281-284).

16. Referring to claim 13, Alda discloses the claimed limitations as rejected above. Alda also discloses wherein instantiating the first functional module is performed only if instantiating the third functional module indicates that the computer system meets the hardware, software and connection requirements for delivering the hybrid content (e.g., paragraphs 433-439).

17. Referring to claim 14, Alda discloses the claimed limitations as rejected above. Alda also discloses wherein delivering is achieved via a user interface defining at least one visual element defined by a set of parameters (e.g., paragraphs 433-439).

18. Referring to claim 17, Alda discloses the claimed limitations as rejected above. Alda also discloses wherein the visual element comprises at least one window (e.g., paragraphs 440-447).

19. Referring to claim 18, Alda discloses the claimed limitations as rejected above. Alda also discloses wherein delivering hybrid content comprises triggering a multimedia application on the basis of the dynamic content, the multimedia application using the selected portions of the static content (e.g., paragraphs 440-447).

20. Referring to claim 19, Alda discloses the claimed limitations as rejected above. Alda also discloses wherein delivering hybrid content comprises performing database management on the basis of the dynamic content, the database management using the selected portions of the static content (e.g., paragraphs 461-463).

21. Referring to claim 20, Alda discloses the claimed limitations as rejected above. Alda also discloses wherein delivering hybrid content comprises creating a video stream on the basis of the dynamic content, the video stream using the selected portions of the static content (e.g., paragraphs 461-463).

22. Referring to claim 21, Alda discloses the claimed limitations as rejected above. Alda also discloses wherein delivering hybrid content comprises running an ACTIONSCRIPT TM program on the basis of the dynamic content, the ACTIONSCRIPT TM program using the selected portions of the static content (e.g., paragraphs 433-439).

23. Referring to claim 22, Alda discloses the claimed limitations as rejected above. Alda also discloses wherein the dynamic content comprises at least one of dynamic HTML content,

database content, streaming video content, MACROMEDIA FLASH TM content and electronic commerce data (e.g., paragraphs 433-439).

24. Referring to claim 23, Alda discloses the claimed limitations as rejected above. Alda also discloses a computer system configured and adapted to implement a method of delivering hybrid content to a user of a computer system (e.g., paragraphs 281-284), the method comprising: (a) instantiating a first functional module on the computer system (e.g., paragraphs 281-284); (b) commanding instantiation of a second functional module remote from the first functional module (e.g., paragraphs 281-284); (c) receiving dynamic content from the second functional module (e.g., paragraphs 281-284); (d) accessing a repository of static content; and (e) delivering hybrid content on the basis of the static content in the repository and the dynamic content received from the second functional module (e.g., paragraphs 281-284).

25. Referring to claim 26, Alda discloses the claimed limitations as rejected above. Alda also discloses wherein the repository is located on the computer-readable storage medium (e.g., paragraphs 281-284).

26. Referring to claim 27, Alda discloses the claimed limitations as rejected above. Alda also discloses a computer-readable storage medium comprising a program element for execution by a computing device to deliver hybrid content via a user interface (e.g., paragraphs 281-284), the program element comprising: (a) program code means for commanding instantiation of a functional module remote from the computing device (e.g., paragraphs 281-284); (b) program

code means for receiving dynamic content from the remote functional module (e.g., paragraphs 281-284); (c) program code means for accessing a repository of static content (e.g., paragraphs 281-284); and (d) program code means for delivering hybrid content on the basis of the static content in the repository and the dynamic content received from the remote functional module (e.g., paragraphs 281-284).

27. Referring to claim 28, Alda discloses the claimed limitations as rejected above. Alda also discloses program code means for detecting software components on the computer (e.g., paragraphs 281-284).

28. Referring to claim 29, Alda discloses the claimed limitations as rejected above. Alda also discloses program code means for installing software components on the computer (e.g., paragraphs 281-284).

29. Referring to claim 30, Alda discloses the claimed limitations as rejected above. Alda also discloses the repository of static content (e.g., paragraphs 281-284).

30. Referring to claim 31, Alda discloses the claimed limitations as rejected above. Alda also discloses a computer-readable storage medium comprising: (a) a repository of static content (e.g., paragraphs 281-284); and (b) a program element for execution by a computing device to deliver hybrid content via a user interface (e.g., paragraphs 281-284), the program element comprising: (i) program code means for commanding instantiation of a functional module remote

from the computing device(e.g., paragraphs 281-284); (ii) program code means for receiving dynamic content from the remote functional module (e.g., paragraphs 281-284); (iii) program code means for accessing the repository of static content (e.g., paragraphs 281-284); and (iv) program code means for delivering hybrid content on the basis of the static content in the repository and the dynamic content received from the remote functional module (e.g., paragraphs 281-284).

31. Referring to claim 32, Alda discloses the claimed limitations as rejected above. Alda also discloses wherein the network is selected from the group consisting of a local area network, the public switched telephone network and the internet (e.g., paragraphs 267, 276, 277).

32. Claims 1-14, 17-23, 26-32 are rejected under 35 U.S.C. 102(e) as being anticipated by Omoigui 2003/0126136 (Hereinafter Omoigui).

33. Referring to claim 1, Omoigui discloses a method of delivering hybrid content to a user of a computer system (e.g., paragraph 187), comprising: (a) instantiating a first functional module on the computer system (e.g., paragraph 187); (b) commanding instantiation of a second functional module remote from the first functional module (e.g., paragraph 187); (c) receiving dynamic content from the second functional module (e.g., paragraphs 216-217); (d) accessing a repository of static content (e.g., paragraphs 216-217); and (e) delivering hybrid content on the basis of the static content in the repository and the dynamic content received from the second functional module (e.g., paragraphs 231-240).

34. Referring to claim 2, Omoigui discloses the claimed limitations as rejected above. Omoigui also discloses executing a computer-readable storage medium into the computer system, the first functional module being located on the computer-readable storage medium (e.g., paragraph 187).

35. Referring to claim 3, Omoigui discloses the claimed limitations as rejected above. Omoigui also discloses wherein executing the computer-readable storage medium into the computer system automatically causes instantiation of the first functional module (e.g., paragraphs 231-240).

36. Referring to claim 4, Omoigui discloses the claimed limitations as rejected above. Omoigui also discloses wherein the repository is located on the computer-readable storage medium (e.g., paragraph 187).

37. Referring to claim 5, Omoigui discloses the claimed limitations as rejected above. Omoigui also discloses wherein the second functional module is located on a server connected to the computer system via a network (e.g., paragraphs 256-363).

38. Referring to claim 6, Omoigui discloses the claimed limitations as rejected above. Omoigui also discloses wherein commanding instantiation of a second functional module remote from the first functional module comprises accessing a third functional module remote from the

first and second functional modules to determine an address and subsequently accessing the second functional module at the determined address (e.g., paragraphs 231-240).

39. Referring to claim 7, Omoigui discloses the claimed limitations as rejected above. Omoigui also discloses wherein the third functional module is located at a second address known to the first functional module (e.g., paragraphs 349-354).

40. Referring to claim 8, Omoigui discloses the claimed limitations as rejected above. Omoigui also discloses wherein delivering hybrid content comprises delivering selected portions of the static content in the repository on the basis of the dynamic content received from the second functional module (e.g., paragraphs 231-240).

41. Referring to claim 9, Omoigui discloses the claimed limitations as rejected above. Omoigui also discloses wherein delivering hybrid content further comprises delivering part of the dynamic content received from the second functional module (e.g., paragraphs 216-217).

42. Referring to claim 10, Omoigui discloses the claimed limitations as rejected above. Omoigui also discloses wherein instantiating, commanding, receiving, accessing and delivering are performed by the computer system (e.g., paragraphs 256-363).

43. Referring to claim 11, Omoigui discloses the claimed limitations as rejected above. Omoigui also discloses wherein receiving dynamic content from the second functional module

comprises receiving dynamic content from a plurality of web sites or network location (e.g., paragraphs 256-363).

44. Referring to claim 12, Omoigui discloses the claimed limitations as rejected above. Omoigui also discloses instantiating a third functional module for determining whether the computer system meets hardware, software and connection requirements for delivering the hybrid content (e.g., paragraph 187).

45. Referring to claim 13, Omoigui discloses the claimed limitations as rejected above. Omoigui also discloses wherein instantiating the first functional module is performed only if instantiating the third functional module indicates that the computer system meets the hardware, software and connection requirements for delivering the hybrid content (e.g., paragraphs 372-375).

46. Referring to claim 14, Omoigui discloses the claimed limitations as rejected above. Omoigui also discloses wherein delivering is achieved via a user interface defining at least one visual element defined by a set of parameters (e.g., paragraphs 372-375).

47. Referring to claim 17, Omoigui discloses the claimed limitations as rejected above. Omoigui also discloses wherein the visual element comprises at least one window (e.g., paragraphs 385, 387, 400).

48. Referring to claim 18, Omoigui discloses the claimed limitations as rejected above. Omoigui also discloses wherein delivering hybrid content comprises triggering a multimedia application on the basis of the dynamic content, the multimedia application using the selected portions of the static content (e.g., paragraphs 385, 387, 400).

49. Referring to claim 19, Omoigui discloses the claimed limitations as rejected above. Omoigui also discloses wherein delivering hybrid content comprises performing database management on the basis of the dynamic content, the database management using the selected portions of the static content (e.g., paragraphs 385, 387, 400).

50. Referring to claim 20, Omoigui discloses the claimed limitations as rejected above. Omoigui also discloses wherein delivering hybrid content comprises creating a video stream on the basis of the dynamic content, the video stream using the selected portions of the static content (e.g., paragraphs 385, 387, 400).

51. Referring to claim 21, Omoigui discloses the claimed limitations as rejected above. Omoigui also discloses wherein delivering hybrid content comprises running an ACTIONSCRIPT™ program on the basis of the dynamic content, the ACTIONSCRIPT™ program using the selected portions of the static content (e.g., paragraphs 372-375).

52. Referring to claim 22, Omoigui discloses the claimed limitations as rejected above. Omoigui also discloses wherein the dynamic content comprises at least one of dynamic HTML

content, database content, streaming video content, MACROMEDIA FLASH™ content and electronic commerce data (e.g., paragraphs 372-375).

53. Referring to claim 23, Omoigui discloses the claimed limitations as rejected above. Omoigui also discloses a computer system configured and adapted to implement a method of delivering hybrid content to a user of a computer system (e.g., paragraph 187), the method comprising: (a) instantiating a first functional module on the computer system (e.g., paragraph 187); (b) commanding instantiation of a second functional module remote from the first functional module (e.g., paragraph 187); (c) receiving dynamic content from the second functional module (e.g., paragraphs 216-217); (d) accessing a repository of static content; and (e) delivering hybrid content on the basis of the static content in the repository and the dynamic content received from the second functional module (e.g., paragraphs 231-240).

54. Referring to claim 26, Omoigui discloses the claimed limitations as rejected above. Omoigui also discloses wherein the repository is located on the computer-readable storage medium (e.g., paragraph 187).

55. Referring to claim 27, Omoigui discloses the claimed limitations as rejected above. Omoigui also discloses a computer-readable storage medium comprising a program element for execution by a computing device to deliver hybrid content via a user interface (e.g., paragraph 187), the program element comprising: (a) program code means for commanding instantiation of a functional module remote from the computing device (e.g., paragraph 187); (b) program code

means for receiving dynamic content from the remote functional module (e.g., paragraph 187); (c) program code means for accessing a repository of static content (e.g., paragraphs 216-217); and (d) program code means for delivering hybrid content on the basis of the static content in the repository and the dynamic content received from the remote functional module (e.g., paragraphs 231-240).

56. Referring to claim 28, Omoigui discloses the claimed limitations as rejected above. Omoigui also discloses program code means for detecting software components on the computer (e.g., paragraph 187).

57. Referring to claim 29, Omoigui discloses the claimed limitations as rejected above. Omoigui also discloses program code means for installing software components on the computer (e.g., paragraph 187).

58. Referring to claim 30, Omoigui discloses the claimed limitations as rejected above. Omoigui also discloses the repository of static content (e.g., paragraph 187).

59. Referring to claim 31, Omoigui discloses the claimed limitations as rejected above. Omoigui also discloses a computer-readable storage medium comprising: (a) a repository of static content (e.g., paragraph 187); and (b) a program element for execution by a computing device to deliver hybrid content via a user interface (e.g., paragraph 187), the program element comprising: (i) program code means for commanding instantiation of a functional module remote

from the computing device(e.g., paragraph 187); (ii) program code means for receiving dynamic content from the remote functional module (e.g., paragraph 187); (iii) program code means for accessing the repository of static content (e.g., paragraphs 216-217); and (iv) program code means for delivering hybrid content on the basis of the static content in the repository and the dynamic content received from the remote functional module (e.g., paragraphs 231-240).

60. Referring to claim 32, Omoigui discloses the claimed limitations as rejected above. Omoigui also discloses wherein the network is selected from the group consisting of a local area network, the public switched telephone network and the internet (e.g., paragraphs 256-363).

61. Claims 1-14, 17-23, 26-32 are rejected under 35 U.S.C. 102(e) as being anticipated by Ferrer 2005/0086605 (Hereinafter Ferrer).

62. Referring to claim 1, Ferrer discloses a method of delivering hybrid content to a user of a computer system (e.g., paragraphs 73, 76, 81, 83), comprising: (a) instantiating a first functional module on the computer system (e.g., paragraphs 73, 76, 81, 83); (b) commanding instantiation of a second functional module remote from the first functional module (e.g., paragraphs 73, 76, 81, 83); (c) receiving dynamic content from the second functional module (e.g., paragraphs 73, 76, 81, 83); (d) accessing a repository of static content (e.g., paragraphs 73, 76, 81, 83); and (e) delivering hybrid content on the basis of the static content in the repository and the dynamic content received from the second functional module (e.g., paragraphs 73, 76, 81, 83).

63. Referring to claim 2, Ferrer discloses the claimed limitations as rejected above. Ferrer also discloses executing a computer-readable storage medium into the computer system, the first functional module being located on the computer-readable storage medium (e.g., paragraphs 73, 76, 81, 83).

64. Referring to claim 3, Ferrer discloses the claimed limitations as rejected above. Ferrer also discloses wherein executing the computer-readable storage medium into the computer system automatically causes instantiation of the first functional module (e.g., paragraphs 105-110).

65. Referring to claim 4, Ferrer discloses the claimed limitations as rejected above. Ferrer also discloses wherein the repository is located on the computer-readable storage medium (e.g., paragraphs 73, 76, 81, 83).

66. Referring to claim 5, Ferrer discloses the claimed limitations as rejected above. Ferrer also discloses wherein the second functional module is located on a server connected to the computer system via a network (e.g., paragraphs 97-100).

67. Referring to claim 6, Ferrer discloses the claimed limitations as rejected above. Ferrer also discloses wherein commanding instantiation of a second functional module remote from the first functional module comprises accessing a third functional module remote from the first and

second functional modules to determine an address and subsequently accessing the second functional module at the determined address (e.g., paragraphs 105-110).

68. Referring to claim 7, Ferrer discloses the claimed limitations as rejected above. Ferrer also discloses wherein the third functional module is located at a second address known to the first functional module (e.g., paragraphs 105-110).

69. Referring to claim 8, Ferrer discloses the claimed limitations as rejected above. Ferrer also discloses wherein delivering hybrid content comprises delivering selected portions of the static content in the repository on the basis of the dynamic content received from the second functional module (e.g., paragraphs 105-110).

70. Referring to claim 9, Ferrer discloses the claimed limitations as rejected above. Ferrer also discloses wherein delivering hybrid content further comprises delivering part of the dynamic content received from the second functional module (e.g., paragraphs 97-100).

71. Referring to claim 10, Ferrer discloses the claimed limitations as rejected above. Ferrer also discloses wherein instantiating, commanding, receiving, accessing and delivering are performed by the computer system (e.g., paragraphs 97-100).

72. Referring to claim 11, Ferrer discloses the claimed limitations as rejected above. Ferrer also discloses wherein receiving dynamic content from the second functional module comprises

receiving dynamic content from a plurality of web sites or network location (e.g., paragraphs 97-100).

73. Referring to claim 12, Ferrer discloses the claimed limitations as rejected above. Ferrer also discloses instantiating a third functional module for determining whether the computer system meets hardware, software and connection requirements for delivering the hybrid content (e.g., paragraphs 73, 76, 81, 83).

74. Referring to claim 13, Ferrer discloses the claimed limitations as rejected above. Ferrer also discloses wherein instantiating the first functional module is performed only if instantiating the third functional module indicates that the computer system meets the hardware, software and connection requirements for delivering the hybrid content (e.g., paragraphs 97-100).

75. Referring to claim 14, Ferrer discloses the claimed limitations as rejected above. Ferrer also discloses wherein delivering is achieved via a user interface defining at least one visual element defined by a set of parameters (e.g., paragraphs 97-100).

76. Referring to claim 17, Ferrer discloses the claimed limitations as rejected above. Ferrer also discloses wherein the visual element comprises at least one window (e.g., paragraphs 105-110).

77. Referring to claim 18, Ferrer discloses the claimed limitations as rejected above. Ferrer also discloses wherein delivering hybrid content comprises triggering a multimedia application on the basis of the dynamic content, the multimedia application using the selected portions of the static content (e.g., paragraphs 105-110).

78. Referring to claim 19, Ferrer discloses the claimed limitations as rejected above. Ferrer also discloses wherein delivering hybrid content comprises performing database management on the basis of the dynamic content, the database management using the selected portions of the static content (e.g., paragraphs 105-110).

79. Referring to claim 20, Ferrer discloses the claimed limitations as rejected above. Ferrer also discloses wherein delivering hybrid content comprises creating a video stream on the basis of the dynamic content, the video stream using the selected portions of the static content (e.g., paragraphs 105-110).

80. Referring to claim 21, Ferrer discloses the claimed limitations as rejected above. Ferrer also discloses wherein delivering hybrid content comprises running an ACTIONSCRIPT™ program on the basis of the dynamic content, the ACTIONSCRIPT™ program using the selected portions of the static content (e.g., paragraphs 97-100).

81. Referring to claim 22, Ferrer discloses the claimed limitations as rejected above. Ferrer also discloses wherein the dynamic content comprises at least one of dynamic HTML content,

database content, streaming video content, MACROMEDIA FLASH TM content and electronic commerce data (e.g., paragraphs 97-100).

82. Referring to claim 23, Ferrer discloses the claimed limitations as rejected above. Ferrer also discloses a computer system configured and adapted to implement a method of delivering hybrid content to a user of a computer system (e.g., paragraphs 73, 76, 81, 83), the method comprising: (a) instantiating a first functional module on the computer system (e.g., paragraphs 73, 76, 81, 83); (b) commanding instantiation of a second functional module remote from the first functional module (e.g., paragraphs 73, 76, 81, 83); (c) receiving dynamic content from the second functional module (e.g., paragraphs 97-100); (d) accessing a repository of static content; and (e) delivering hybrid content on the basis of the static content in the repository and the dynamic content received from the second functional module (e.g., paragraphs 105-110).

83. Referring to claim 26, Ferrer discloses the claimed limitations as rejected above. Ferrer also discloses wherein the repository is located on the computer-readable storage medium (e.g., paragraphs 73, 76, 81, 83).

84. Referring to claim 27, Ferrer discloses the claimed limitations as rejected above. Ferrer also discloses a computer-readable storage medium comprising a program element for execution by a computing device to deliver hybrid content via a user interface (e.g., paragraphs 73, 76, 81, 83), the program element comprising: (a) program code means for commanding instantiation of a functional module remote from the computing device (e.g., paragraphs 73, 76, 81, 83); (b)

program code means for receiving dynamic content from the remote functional module (e.g., paragraphs 73, 76, 81, 83); (c) program code means for accessing a repository of static content (e.g., paragraphs 97-100); and (d) program code means for delivering hybrid content on the basis of the static content in the repository and the dynamic content received from the remote functional module (e.g., paragraphs 105-110).

85. Referring to claim 28, Ferrer discloses the claimed limitations as rejected above. Ferrer also discloses program code means for detecting software components on the computer (e.g., paragraphs 73, 76, 81, 83).

86. Referring to claim 29, Ferrer discloses the claimed limitations as rejected above. Ferrer also discloses program code means for installing software components on the computer (e.g., paragraphs 73, 76, 81, 83).

87. Referring to claim 30, Ferrer discloses the claimed limitations as rejected above. Ferrer also discloses the repository of static content (e.g., paragraphs 73, 76, 81, 83).

88. Referring to claim 31, Ferrer discloses the claimed limitations as rejected above. Ferrer also discloses a computer-readable storage medium comprising: (a) a repository of static content (e.g., paragraphs 73, 76, 81, 83); and (b) a program element for execution by a computing device to deliver hybrid content via a user interface (e.g., paragraphs 73, 76, 81, 83), the program element comprising: (i) program code means for commanding instantiation of a functional

module remote from the computing device(e.g., paragraphs 73, 76, 81, 83); (ii) program code means for receiving dynamic content from the remote functional module (e.g., paragraphs 73, 76, 81, 83); (iii) program code means for accessing the repository of static content (e.g., paragraphs 97-100); and (iv) program code means for delivering hybrid content on the basis of the static content in the repository and the dynamic content received from the remote functional module (e.g., paragraphs 105-110).

89. Referring to claim 32, Ferrer discloses the claimed limitations as rejected above. Ferrer also discloses wherein the network is selected from the group consisting of a local area network, the public switched telephone network and the internet (e.g., paragraphs 97-100).

Response to Arguments

90. Applicant's arguments filed 7/10/08, pages 7-9 have been fully considered but they are not persuasive. Therefore, rejection of the rejected claims is maintained. Note: Careful reconsideration of the claimed subject matter of all the claims in view of each of the arts used for the rejection has been done, the claims 15 and 16 are allowable but objected to.

Regarding the applicant's statements, For anticipation under 35 U.S.C. § 102, the reference "must teach every aspect of the claimed invention either explicitly or impliedly. Any feature not directly taught must be inherently present." (MPEP §706.02). "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." **Verdegaal Bros. v. Union Oil Co. of California, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)**; the examiner agrees with the applicant. The rejection is

done based on these requirements, i.e., usage of the single prior art reference, and the citation of the single prior art to teach every aspect of the claimed invention either explicitly or impliedly. The disclosed content of the cited content of the single prior art is to constitute prima facie case. For example, the reference 2005/0066317 used for the rejection has 215 pages but very limited content of the reference has been cited for the rejection considering the **MPEP §706.02 and Verdegaal Bros. v. Union Oil Co. of California, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)**. Further, regarding the claimed subject matter, the specification of the application under prosecution at page 7 clearly states, While specific embodiments of the present invention have been described and illustrated, it will be apparent to those skilled in the art that numerous modifications and variations can be made without departing from the scope of the invention as defined in the appended claims. Further, when reviewing a reference the applicants should remember that not only the specific teachings of a reference but also reasonable inferences which the artisan would have logically drawn therefrom may be properly evaluated in formulating a rejection. **In re Preda, 401 F. 2d 825, 159 USPQ 342 (CCPA 1968) and In re Shepard, 319 F. 2d 194, 138 USPQ 148 (CCPA 1963)**. Skill in the art is presumed. **In re Sovish, 769 F. 2d 738, 226 USPQ 771 (Fed. Cir. 1985)**. Every reference relies to some extent on knowledge of persons skilled in the art to complement that which is disclosed therein. **In re Bode, 550 F. 2d 656, 193 USPQ 12 (CCPA 1977)**.

Note: Non-final office action was provided on 4/11/2008. The Revocation of Power of Attorney is made on 7/7/2008. The applicant's concern for citation of the entire pages of the cited references is made three months from the non-final office action on 7/10/2008. This second non-final office action is provided to meet the applicant's request. In order to expedite the

prosecution of this case, **MPEP 1201** states: Where the differences of opinion concern the denial of patent claims because of prior art or other patentability issues, the questions thereby raised are said to relate to the merits, and appeal procedure within the Office and to the courts has long been provided by statute (35 USC 143). 35 U.S.C. 134 (a) states: An applicant for a patent, any of whose claims has been twice rejected, may appeal from the decision of the primary examiner to the Board of Patent Appeals and Interferences, having once paid the fee for such appeal.

The applicant's statements regarding the amending the title are acknowledged.

Allowable Subject Matter

Claims 15 and 16 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

In order to expedite the prosecution of this case, multiple references are used for the rejections to demonstrate that several references disclose the claimed subject matter of the claims.

Examiner has cited particular columns and line numbers and/or paragraphs and/or sections and/or page numbers in the reference(s) as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing

responses, to fully consider the references in entirety, as potentially teaching, all or part of the claimed invention, as well as the context of the passage, as taught by the prior art or disclosed by the Examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Haresh Patel whose telephone number is (571) 272-3973. The examiner can normally be reached on Monday, Tuesday, Thursday and Friday from 10:00 am to 8:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Flynn, can be reached at (571) 272-1915. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Haresh N. Patel/

Primary Examiner, Art Unit 2454

10/10/08